

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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CARLOS CHAVEZ NORWOOD, III,

**Plaintiff,**

V.

RENNOW HOSPITAL, *et al.*,

## Defendants.

Case No. 3:24-CV-00019-ART-CLB

## **ORDER DENYING MISCELLANEOUS MOTIONS**

[ECF Nos. 42, 43]

10 Before the Court are two motions filed by Plaintiff Carlos Chavez Norwood  
11 ("Norwood"): a motion to amend his complaint, (ECF No. 43), and a "motion  
12 corresponding about summons." (ECF No. 42.) The Court will address each motion in  
13 turn.

14       First, the Court will address Norwood's motion to amend his complaint. (ECF No.  
15      43.) Previously, Norwood attempted to file an amended complaint without first filing a  
16      motion for leave to do so. (ECF No. 39.) The Court entered an order striking the amended  
17      complaint and directing Norwood to file a proper motion seeking leave of court to file an  
18      amended complaint, complete with points and authorities in support of the motion  
19      pursuant to LR 7-2, with the proposed amended complaint attached pursuant to LR 15-1.  
20      (ECF No. 41.) Norwood then filed the instant document titled "motion to amend  
21      complaint," however, Norwood neither supports the motion with points and authorities nor  
22      attaches a proposed amended complaint. (ECF No. 43.) Accordingly, the Court denies  
23      Norwood's motion to amend the complaint, (ECF No. 43), for his failure to follow LR 7-2  
24      and 15-1.

25 Next, the Court turns to Norwood's motion corresponding about summons. (ECF  
26 No. 42.) In this motion, Norwood states he "was told [he] had a second chance to

1 complete" USM-285<sup>1</sup> forms directing the U.S. Marshal to effectuate service. (*Id.*) Norwood  
 2 claims he completed service of the summons "using the post office" and completed and  
 3 mailed the USM-285 forms to the U.S. Marshal's Service. (*Id.*) In an order filed on January  
 4 8, 2024, the Court noted that Norwood had not yet properly served Defendants and  
 5 granted Norwood a 20-day extension of time to complete and return the USM-285 forms,  
 6 for each defendant, to the U.S. Marshal's Service. (ECF No. 35 at 2-3.) Therefore,  
 7 pursuant to the Court's order, Norwood had until January 29, 2024, to furnish the U.S.  
 8 Marshal's Service with the required USM-285 forms. (*Id.* at 4.) The Court also attached  
 9 the forms for Norwood to fill out and mail to the U.S. Marshal's Service. (ECF Nos. 35-1,  
 10 35-2.) Although Norwood attaches documents labeled "proof of service" to his motion,  
 11 those documents are for the justice court of Reno Township and are not sufficient for the  
 12 instant suit. (ECF No. 42 at 3-4.) To the extent Norwood intends his motion to show that  
 13 service has been effectuated, service by mail does not suffice under the Federal or  
 14 Nevada Rules of Civil Procedure. The U.S. Marshal's Service has not filed a document  
 15 showing proof of service or a return of the summons unexecuted and thus the Court  
 16 cannot determine whether service has been effectuated. Therefore, to the extent  
 17 Norwood's motion seeks the Court to certify that he has successfully completed service,  
 18 the motion is denied.

19       Additionally, Norwood failed to include a memorandum of points and authorities in  
 20 support of his motion. Pursuant to LR 7-2(d), the failure of a moving party to file points  
 21 and authorities in support of the motion constitutes consent to the denial of the motion.  
 22 Therefore, Norwood's motion corresponding about summons, (ECF No. 42), is also  
 23 denied pursuant to LR 7-2(d).

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27       <sup>1</sup> Norwood references "the USM-245 form" in his motion, however, the Court  
 28 construes this as referring to the USM-285 form which is the proper form for requesting  
           the U.S. Marshals Service effectuate service of process.

**IT IS THEREFORE ORDERED** that Norwood's motion to amend the complaint, (ECF No. 43), is **DENIED**;

**IT IS FURTHER ORDERED** that Norwood's motion corresponding about summons, (ECF No. 42), is **DENIED**.

**IT IS SO ORDERED.**

**DATED:** February 20, 2024.

  
**UNITED STATES MAGISTRATE JUDGE**